

DEPARTMENT FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS

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LICENCE UNDER SECTION 16 OF THE WILDLIFE AND COUNTRYSIDE ACT  
1981 FOR THE RELEASE OF *HETERORHABDITIS DOWNESI*

NN-BCA/13/04 S SUPPLIER'S LICENCE

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The Secretary of State, in exercise of the powers conferred on him by section 16(4)(C) and section 16(5) of the Wildlife and Countryside Act 1981 ("the 1981 Act") and of all other powers enabling him in that behalf, hereby grants the following licence –

1. This licence applies in respect of the animal species known as *Heterorhabditis downesi* (Family *Heterorhabditidae*; Order *Rhabditida*; Class *Nematoda*) (in this licence referred to as "*H. downesi*").
2. Subject to the conditions in paragraph 3 below, section 14(1) of the Act does not apply to Nemos Horticultural Ltd., whose registered office is at 37 Woodlands Rise, Aricklow, County Wicklow, Ireland ("the Company") accidentally releasing *H. downesi* or allowing *H. downesi* to escape into the wild in consequence of –
  - (a) The research and development by the Company with *H. downesi*; or
  - (b) The supply of *H. downesi* by the Company for the purpose of applying *H. downesi* to nursery crops, soft fruit crops, home gardens, golf courses and sports fields for the control of black vine weevil larvae (*Otiorhynchus sulcatus*), chafer grubs (*Phyllopertha horticola*, *Hoplia philanthus* and *Melolontha melolontha*) and garden ants (*Lasius niger*, *Lasius flavius*, and *Myrmica* species) ("the pests").
3. This licence is granted subject to the following conditions –
  - (a) This licence only applies in respect of disease-free *H. downesi*;
  - (b) If the Company acquires *H. downesi* from a source other than E-Nema GmbH of Klausdorfer Strasse 28-36, 24223 Schwentinental, Germany, the Company will immediately notify the Secretary of State in writing;
  - (c) If there is evidence that *H. downesi* has become established in the vicinity of any environment in which *H. downesi* has been released, the Secretary of State shall be notified immediately (and any notification not in writing shall be confirmed in writing) and, if requested by the Secretary of State, *H. downesi* shall be controlled or eradicated as specified;
  - (d) The total number of individual entomopathogenic nematodes of the species *H. downesi* released for control of the pests shall not exceed individual applications of 1 million infective larvae per m<sup>2</sup>, applied a maximum of 5 times in any one year;

- (e) Before any release takes place the Company shall also supply the Secretary of State with written confirmation that a representative sample of *H. downesi* has been deposited in a recognised nematode taxonomic collection.
  - (f) At the time when the Company supplies *H. downesi*, the Company shall also supply a copy of the current Grower's Licence and its current instructions for the application of *H. downesi* for the control of the pests in nursery crops, soft fruit crops, home gardens, golf courses and sports fields and those instructions shall specify the rate of application of *H. downesi*;
  - (g) At the time when the Company supplies *H. downesi*, the Company shall also supply a copy of its grower guidelines and monitoring protocols designed to minimise the escape of *H. downesi* from nursery crops, soft fruit crops, home gardens, golf courses and sports fields environment to the wild;
  - (h) If there is evidence that *H. downesi* has caused damage to crops in the environment of nursery crops, soft fruit crops, home gardens, golf courses and sports fields, the Secretary of State shall be notified immediately (and any notification not in writing shall be confirmed in writing); and
  - (i) One month before the end of the licensed period the Company shall supply the Secretary of State with a written report containing information on the releases and monitoring of *H. downesi*. The report shall provide:
    - i) confirmation that annual checks have been undertaken to establish that cultures were disease and parasite free;
    - ii) details of where releases have taken place annually and the numbers of units of each formulation supplied;
    - iii) assessment of how successful *H. downesi* has been where releases have taken place.
4. This licence shall be valid until 31<sup>st</sup> May 2015 subject to prior modification or revocation at any time.

Signed Sarah Hugo

**Sarah Hugo**  
 (Authorised by the Secretary of State for Environment, Food and Rural Affairs to sign in that behalf)

Date 18th May 2013

**Licence reference number NN-BCA/13/04 S**